

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

STATE OF SOUTH CAROLINA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-cv-00975-JMC
)	
UNITED STATES DEPARTMENT OF)	
ENERGY;)	
)	
DR. ERNEST MONIZ, in his official capacity as)	
Secretary of Energy;)	
)	
NATIONAL NUCLEAR SECURITY)	
ADMINISTRATION; and)	
)	
FRANK G. KLOTZ, in his official capacity)	
as Undersecretary for Nuclear Security and)	
Administrator of the National Nuclear Security)	
Administration;)	
)	
Defendants.)	
)	

JOINT STIPULATION OF DISMISSAL

This litigation was filed by the State of South Carolina against the Department of Energy (DOE) and the National Nuclear Security Administration (NNSA) and their respective officials alleging that certain actions proposed by DOE and NNSA for FY 2014, related to the mixed oxide fuel fabrication facility project (MOX Facility or Project) currently under construction at the Savannah River Site (SRS) in Aiken County, South Carolina, were unlawful. The Defendants deny any and all allegation of unlawful actions.

On April 30, DOE and NNSA sent a letter to the contractor stating that “[DOE] has decided not to place the MOX project in cold standby during FY14. As a result, NNSA is directing MOX Services to continue MOX facility construction in accordance with your

execution plan for this project through September 30, 2014.” This decision and action resolves the pending controversy at this point in time.

Therefore, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, this action is DISMISSED WITHOUT PREJUDICE.

Respectfully submitted,

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